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4/8/2015 10:09 am

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ERIC SMITH,

Plaintiff,

-against-

**ORDER**

14-CV-5060 (SJF)(SIL)

131 E. AMES INC. and LEVY & LEVY, ESQ.,

Defendants.

-----X  
FEUERSTEIN, J.

Before the Court is Magistrate Judge Steven I. Locke's Report and Recommendation, dated February 12, 2015 [Docket Entry No. 39 (the "Report")] recommending that defendants' motion to dismiss [Docket Entry No. 26] be granted as to plaintiff's federal law claims, that the Court decline to exercise supplemental jurisdiction over plaintiff's state law claims, and that plaintiff's motions to amend [Docket Entry Nos. 27 and 37] be denied as futile. No objections to the Report have been filed. For the following reasons, the Court adopts the Report in its entirety.

I. Standard of Review

Any portion of a report and recommendation on a dispositive matter to which a timely objection has been made is reviewed by the district court *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court, however, is not required to review the factual findings or legal conclusions of the magistrate judge as to which no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). To accept the report and recommendation of a magistrate judge on a dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007), *aff'd*, 305 F. App'x 815 (2d Cir. Jan. 9, 2009); *Baptichon v. Nev. State Bank*, 304 F. Supp.

2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. Apr. 13, 2005). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

## II. Analysis

No objections to Magistrate Judge Locke's Report have been filed and the time to file objections has passed. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court accepts the Report in its entirety. For the reasons set forth in the Report, defendants' motion to dismiss is GRANTED as to plaintiff's federal law claims, the Court declines to exercise supplemental jurisdiction over plaintiff's state law claims, and plaintiff's motions to amend are DENIED. The Clerk of the Court shall enter judgment accordingly and close this case.

**SO ORDERED.**

s/ Sandra J. Feuerstein  
Sandra J. Feuerstein  
United States District Judge

Dated: April 8, 2015  
Central Islip, New York